

REMARKS

Claims 53-58 are presented for consideration, with Claims 53 and 56 being independent. Claims 37, 38 and 40-49 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 53-58 are newly presented. Support for the claims can be found, for example, in the specification on page 49, line 24, *et. seq.* As such, no new matter has been added.

The title of the invention is objected to as being non-descriptive. The title has been amended to even more specifically describe the present invention. As such, Applicants submit that the objection has been overcome.

Claim 47 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out the subject matter which applicant regards as the invention. Claim 47 has been cancelled. As such, this rejection is moot.

Claims 37, 38, 41, 42, and 44-49 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakajima '802 (U.S. Patent Application Publication No. 2001/0048802) in view of Obrador (U.S. Patent Application Publication No. 2002/0186383). Claims 40 and 43 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakajima '802 and Obrador in view of Nakajima '821 (U.S. Patent Application Publication No. 2004/0012821). Claims 37, 38 and 40-49 have been cancelled. As such, Applicants submit that the rejections are moot. Nevertheless, the following remarks are made in view of newly presented Claims 53-58.

Independent Claim 53 recites a print control apparatus for causing a printing unit to print an image on a printing sheet based on image data supplied from an image supply

device. The print control apparatus includes a reception unit that receives a job from the image supply device. The job describes a maximum number of layout images that are laid out on a sheet and information for specifying image data to be printed. The print control apparatus also includes a job analysis unit that analyzes the job received from the image supply device to determine a number of images of JPEG format and a number of images to be overlaid on an image of JPEG format designated in the job and a control unit that (i) controls the printing unit to print the image data to be printed by overlaying the image data when (a) the number of images of JPEG format is less than the maximum number of the layout images and (b) the number of images to be overlaid on the image of JPEG format is less than a predetermined number, and (ii) controls the printing unit to print the image data to be printed without overlaying the image data when (a) the number of images of JPEG format is not less than the maximum number of the layout images or (b) the number of images to be overlaid on the image of JPEG format is not less than the predetermined number.

Nakajima '802 discloses an apparatus and method for generating an album.

Nakajima '802 obtains superposition image data by superposing image data set S0 (Fig. 5) with recommended composition data set R0 (Fig. 4). A camera of Nakajima '802 records the image data sets S0 and the accompanying information H in a recording medium 11. A data reading means 21 reads the image data S0 and the accompanying information H from the recording medium 11. *See* paragraph [0063] of Nakajima '802. A composition means 23 reads templates from a template storing means 22 based on the template information stored in the recording medium 11. The images S0 represented by the image data sets S0 are inserted in the templates based on the accompanying information H to generate the composite image data M. *See*

paragraph [0068] of Nakajima '802. A user can therefore obtain the album having the photographed images arranged therein by simply selecting the templates and photographing the images.

Obrador discloses generating and transmitting a multi-resolution image data file. The image data file stores overlay data such as text data and vector data. The image data file comprises a first data field containing a first level of image data at a first resolution and a second data field containing the overlay data. *See* paragraph [0023] of Obrador. The image data file is first sent in a lower resolution and is followed by sending the overlay data which overlays the image data. *See* paragraph [0024] of Obrador.

According to the present invention, a control unit controls a printing unit to print the image data to be printed with or without overlaying. For example, as shown in Fig. 20, in a case that the number of images of JPEG format is less than the maximum number (N) of the layout images (“NO” in S213) and the number of images to be overlaid on an image of JPEG format is less than a predetermined number (“NO” in S209), the control unit controls the image data to be printed with overlaying (S215). However, in a case that the number of images of JPEG format is not less than the maximum number (N) of the layout images (“YES” in S213) or the number of images to be overlaid on an image of JPEG format is not less than the predetermined number (“YES” in S209), the control unit controls the image data to be printed without overlaying (S210).

Applicants submit that neither Nakajima '802 nor Obrador, however, teaches or suggests a control unit that (i) controls the printing unit to print the image data to be printed by overlaying the image data when (a) the number of images of JPEG format is less than the

maximum number of the layout images and (b) the number of images to be overlaid on the image of JPEG format is less than a predetermined number, and (ii) controls the printing unit to print the image data to be printed without overlaying the image data when (a) the number of images of JPEG format is not less than the maximum number of the layout images or (b) the number of images to be overlaid on the image of JPEG format is not less than the predetermined number, as recited in Claim 53. Rather, images in Nakajima '802 are set based on a user selected template and may or may not be recorded. *See*, for example, paragraphs [0068]-[0072]. Further, the images to be printed in Obrador are sent several times and data of the highest resolution images stored in a printer are printed. *See*, for example, paragraphs [0019] and [0096]. As such, Applicants submit that Nakajima '802 and Obrador fail to teach or suggest all of the features of the present invention. Accordingly, the present inventions recited in Claim 53 is patentable over Nakajima '802 and Obrador.

The secondary citation to Nakajima '821 is relied on, on page 12-19 of the Office Action, to compensate for various deficiencies of Nakajima '802. While Nakajima '821 describes that an image file may be JPEG format or PNG format or other formats, Nakajima '821 does not teach or suggest a control unit, as recited in Claim 53. Accordingly, since Nakajima '821 also fails to teach or suggest the control unit recited in Claim 53, Applicants submit that Claim 53 is distinguishable from the cited references.

Claim 58 relates to a method of controlling a print control apparatus claims formed on the basis of claim 53. Accordingly, Applicants submit that the present invention, as recited in Claims 58, is patentable for substantially the same reasons discussed above with regards to Claim 53. For the foregoing reasons, Applicant respectfully submits that the applied

references, whether taken individually or in combination, do not teach or suggest the invention as recited in independent Claims 53 and 56. Reconsideration and withdrawal of the rejections of the claims under 35 U.S.C. §103 is respectfully requested.

Thus, it is submitted that Applicants' invention, as set forth in independent Claims 53 and 56, is patentable over the cited art. In addition, dependent Claims 54, 55, 57 and 58 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

Applicants request entry of the above amendments as they are being presented in an earnest effort to advance prosecution and place this application in condition for allowance. The amendments were not earlier presented as applicants were of the belief that the claims previously on file were allowable.

In view of the foregoing, reconsideration together with entry of the above amendments and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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